

REMARKS

Claims 1-18 are pending, with claims 1, 9 and 14 being independent. Claims 1, 9 and 14 have been amended. Care has been taken to avoid introduction of any new matter.

Rejection of Claims 1-8, 10, 15 and 16 under 35 U.S.C. 112, second paragraph

The Examiner asserts that the apparatus recited by Claim 1 does not coincide with Applicant's Specification. See OA, p. 2, paragraph 3. Applicant respectfully disagrees. The invention attacks the rigidity of conventional e-commerce transaction systems in which a merchant usually issues an electronic ticket to a consumer who subsequently presents the electronic ticket to the merchant in exchange for products or services provided by the merchant. See Specification, FIG. 1 and page 4, lines 1-6.

The inventive apparatus, method and system allow a service or goods provider (associated merchant) to deal with a consumer without necessarily issuing an electronic ticket to the consumer. The ticket (programmed information) is created and sent to the consumer by a source which is not the associated merchant. See Specification, FIG. 1 and page 7, lines 15-22. Thus, the ticket gives the consumer the right to have the purchased service or goods provided by any merchant of the class which is capable of performing the contracted service and has a ticket (tag) reader operable to verify the information contained by the tag.

Based on the above, Claim 1 has been amended to particularly point out and distinctly claim the above-discussed subject matter of the present invention. Accordingly, withdrawal of the 112, second paragraph rejection is respectfully requested.

Rejection of Claims 1-3, 5-10 and 14 under 35 U.S.C. 103(a)

The Examiner cites Husemann et al. (Husemann) and Winn to reject claims 1-3, 5-10, 14.

Referring specifically to Claim 1, it has been amended to recite that a purchaser's controller is "arranged to receive information from the information interfaces through the communication unit, ...the information being derived from sources other than the associated merchant; and a merchant's tag reader for permitting a merchant to read the tag to obtain information from the tag from the sources other than the associated merchant."

Husemann teaches using an apparatus operable to necessarily issue an electronic ticket by a service provider associated with services or goods to be purchased by a consumer. See Husemann, Abstract, top five lines; col. 2, lines 22-31. Accordingly, a piece of information contained by a purchaser's tag must be created and come from the associated service provider. In contrast, Claim 1 recites that information corresponding to an electronic ticket, which is contained by a tag, does not have to necessarily come from a service provider.

Wynn does not teach or suggest an apparatus capable of curing the above-discussed drawback of Husemann. Thus, a combination of Husemann and Wynn does not render amended Claim 1 obvious. Consequently, Claim 1 is patentable over the cited combination.

Claims 2, 3 and 5-8 depend from claim 1 and benefit from its patentability.

Independent Claims 9 and 14 reciting a method and system, respectively, each have been amended to include limitations similar to the above discussed limitations of Claim 1. As a consequence, Claims 9 and 14 each are patentable over a combination of Husemann and Wynn.

Claim 10 depending from Claim 9 is likewise patentable.

Based on the foregoing, withdrawal and reconsideration of the 35 U.S.C. 103(a) rejection of Claims 1-3, 5-10 and 14 are respectfully requested.

Rejection of Claim 4 under 35 U.S.C. 103(a)

The Examiner cites Lofgren et al. (Lofgren) in addition to Husemann and Wynn to reject claim 4 depending from Claim 1. Lofgren neither teaches nor suggests a structure that would fill a gap between Husemann and Claim 1 as discussed above. Accordingly, Claim 4 is patentable over the combination of the cited references. Applicant respectfully requests that the rejection be withdrawn.

Rejection of Claims 11-13 and 16-18 under 35 U.S.C. 103(a)

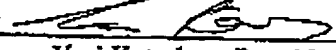
The Examiner cites Veil et al. (Veil) in addition to Husemann and Wynn to reject claims 11-13 depending from Claim 9 and Claims 16-18 depending from Claim 14. However, Wynn does not provide any teaching or suggestion for remedying the drawback of Husemann as discussed above. Accordingly, Claims 11-13 and 16-18 are patentable over the combination of the cited references. Applicant respectfully requests that the rejection be withdrawn.

Conclusion

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect, and early passing of this application to issue, are respectfully solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,

By 
Yuri Kateshov, Reg. No. 34,466
718-637-6027